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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,840	10/29/2003	Takayuki Yajima	848075-0059	7845
29619 7590 03/18/2008 SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022				
EXAMINER				
SABOURI, MAZDA				
ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,840

Applicant(s)

YAJIMA, TAKAYUKI

Examiner

MAZDA SABOURI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007 and 03 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/10/2007 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-11, 13 and 14** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0061770 (Ozaki) in view of US 6445932 (Soini et al.).

3. **As to claim 1**, Ozaki teaches a portable terminal unit comprising:

- a. A first housing (2, figs 4,5) having at least a main operation section (5, figs 4,5);
- b. A second housing (1, figs 4,5) having at least a display section (3, figs 4,5) displaying screens according to the operation of the main operation section (operating portion 5 used to view email on display 3, see paragraph 36);

- c. Wherein both of said housings are coupled together to move between an open state and a closed state so that said main operation section is covered with said second housing in the closed state and is exposed outside in the opened state, and said display section is exposed outside in both of the closed state and the opened state (see Ozaki, figures 4 and 5),
- d. An auxiliary operation section (8, figs 4,5) being able to operate to the screens displayed on said display section (operating keys 8 can be used to view email on display 3, see paragraph 33), and comprising at least one key provided on a surface other than surfaces, which are opposed to each other of said both housings in the closed state including other than said display section,
- e. What is lacking is "wherein said auxiliary operation section is inoperative at least in the opened state but operative in the closed state". In a similar field of endeavor, Soini teaches a portable terminal unit (1, fig 1) that comprises a main operation section (22, fig 2) and an auxiliary operation section (12, fig 1). Soini teaches that the auxiliary operation section is inoperative in the opened state (mobile station is unfolded) but operative in the closed state (mobile station is folded) (see Soini, claims 11 and 13). Motivation for using this teaching can be found in Soini. Soini teaches that the auxiliary operation section may only be needed when the device is closed (folded), and that the main operation section may only be needed when the device is open (unfolded) (see Soini, column 3, lines 61-67 and column 4, lines 1-21). The teachings of Soini help to ensure that the operation sections are used appropriately, and also ensures efficient use of

the portable terminal's battery power. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Soini into those of Ozaki, for the reasons mentioned above.

4. **As to claim 7**, Ozaki teaches a portable terminal unit comprising:

- f. A first housing (2, figs 4,5) having at least a main operation section (5, figs 4,5);
- g. A second housing (1, figs 4,5) subjected to be superimposed on said first housing so as to cover said main operation section (see Ozaki, figure 4);
- h. A display section (3, figs 4,5) displaying screens according to the operation of said main operation section (operating portion 5 used to view email on display 3, see paragraph 36), and provided on one of said first housing and said second housing;
- i. A coupling section (7, figs 4,5) for rotatably coupling both of said housings that relatively rotate around an axis extending in a superimposed direction of said two housings;
- j. An auxiliary operation section (8, figs 4,5) being able to operate to the screens displayed on said display section (operating keys 8 can be used to view email on display 3, see paragraph 33), and comprising at least one key provided on a surface other than surfaces, which are opposed to each other, of said both housings in the closed state including other than said display section;

k. Where the both of said housings relatively rotate 180° from the closed state (see Ozaki, paragraph 23 and figures 4 and 5).

l. What is lacking is "wherein said auxiliary operation section (at least one key) is inoperative at least in the opened state but operative in the closed state". In a similar field of endeavor, Soini teaches a portable terminal unit (1, fig 1) that comprises a main operation section (22, fig 2) and an auxiliary operation section (12, fig 1). Soini teaches that the auxiliary operation section is inoperative in the opened state (mobile station is unfolded) but operative in the closed state (mobile station is folded) (see Soini, claims 11 and 13). Motivation for using this teaching can be found in Soini. Soini teaches that the auxiliary operation section may only be needed when the device is closed (folded), and that the main operation section may only be needed when the device is open (unfolded) (see Soini, column 3, lines 61-67 and column 4, lines 1-21). The teachings of Soini help to ensure that the operation sections are used appropriately, and also ensures efficient use of the portable terminal's battery power. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Soini into those of Ozaki, for the reasons mentioned above.

5. **As to claims 2 and 8**, Soini further teaches a state detecting section (mobile station has means for determining what state, folded or unfolded, the mobile station is in) and a lock control section (user interfaces are activated or switched off based on the state of the mobile terminal) (see Soini, claims 11 and 13).

6. **As to claims 3 and 9**, Soini further teaches that the auxiliary operation section is operative when both housings (10,20, fig 1) of the portable terminal unit are in the closed state (folded) and inoperative when both housings are in other states than the closed state (unfolded) (see Soini, claims 11 and 13).
7. **As to claims 4 and 10**, Soini further teaches that the auxiliary operation section is inoperative when both housings (10,20, fig 1) of the portable terminal unit are in the opened state (unfolded) and operative when both housing are in other states than the opened state (folded).
8. **As to claims 5 and 13**, Ozaki further teaches that the device is a mobile radiotelephone (see Ozaki, paragraph 38).
9. **As to claims 6 and 14**, Ozaki further teaches that the device is a personal digital assistant (see Ozaki, paragraph 38).
10. **As to claim 11**, Ozaki further teaches that the second housing has a display section faced in the same direction as the direction of the surface having the main operation section (see Ozaki, figures 3-6).
11. **Claim 12** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0061770 (Ozaki) in view of US 6445932 (Soini) as applied to claim 7 above, and further in view of US 6094565 (Alberth et al.) and further in view of US 5493690 (Shimazaki).
12. **As to claim 12**, what is lacking is the auxiliary operation section having a first key of a side surface of the first housing and a second key on the side surface of the second housing. In a similar field of endeavor, Alberth teaches auxiliary keys located

on a side surface of a first housing (housing having the main operation section) (see Alberth, column 3, lines 46-62). Shimazaki teaches auxiliary keys located on a side surface of a second housing (housing having the display) (see Shimazaki, figures 1 and 2). The motivation for using Alberth's and Shimazaki's teaching can be found in Ozaki. Ozaki teaches that the function of the auxiliary operation section is limited by the amount of space available for the auxiliary keys (see Ozaki, paragraph 33). The teachings of Alberth and Shimazaki help to alleviate this problem. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Alberth and Shimazaki into those of Ozaki in view of Soini, for the reasons mentioned above.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5442814 (Seo) teaches a cellular telephone facilitating a response holding state. US 6389267 (Imai) teaches a folded type portable radion communication apparatus with functionality. US 6370362 (Hansen et al.) teaches a slide cover for a communication unit. US 2002/0137551 (Toba) teaches a mobile communication terminal with external display unit. US 6434404 (Claxton et al.) teaches detection of flip closure state of a flip phone. US 6549789 (Kfoury) teaches a portable electronic device with an adaptable user interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAZDA SABOURI whose telephone number is

Art Unit: 2617

(571)272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached at 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mazda Sabouri
Examiner
Art Unit 2617

/M. S./

Examiner, Art Unit 2617

/VINCENT P. HARPER/
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